

# ArentFox Schiff

April 17, 2025

## VIA ECF

Hon. Kenneth M. Karas, U.S.D.J.  
U.S. District Court, Southern District of New York  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

## ArentFox Schiff LLP

1301 Avenue of the Americas  
42nd Floor  
New York, NY 10019

212.484.3900 MAIN  
212.484.3990 FAX

afslaw.com

## Brian Farkas

212.492.3297 DIRECT  
brian.farkas@afslaw.com

## Rachel Levin

212.457.5556 DIRECT  
rachel.levin@afslaw.com

**Re: *Charly Acquisitions, Ltd. et al. vs. 43 North Broadway, LLC***  
**Case No. 7:23-cv-9851 (KMK) (AEK)**  
**Joint Request for Adjournment of Conference *Sine Die***

Dear Judge Karas:

This Firm represents Defendant 43 North Broadway, LLC ("43 North") in the above-referenced action. We write jointly with Plaintiff Charly Acquisitions, Ltd. and Charly Trademarks, Ltd. (together, "Charly"). A conference for the above captioned case is on the calendar before Your Honor for Tuesday, April 22, 2025 at 10:30 a.m.

For the following reasons, we respectfully request that this conference be adjourned *sine die*.

First, following a mediation before Judge Krause, Charly and 43 North have settled Charly's claims against 43 North. We are working expeditiously to bring the written settlement agreement to final form, and expect to be done soon.

Second, the claims Charly and 43 North each brought against Crossclaim Defendants, Thomas Ficara and Margate Entertainment, LLC (together, "Crossclaim Defendants") are essentially resolved as well. Crossclaim Defendants have never appeared in this action or responded to Charly's or 43 North's claims against them. Charly informed the Court that they "do not intend to pursue claims against Defendants Thomas Ficara and Margate Entertainment, LLC, in light of the Settlement reached with Defendant 43 North Broadway, LLC." (ECF No. 104). While 43 North *does intend* to pursue its crossclaims against Defendants Thomas Ficara and Margate Entertainment, LLC (together, "Crossclaim Defendants"), the Clerk of Court has certified the Crossclaim Defendants' default and 43 North will soon file the requisite filings to obtain default judgment.

Third, the parties have consistently been apprising Judge Krause of the status of settlement, and Judge Krause has stayed all discovery deadlines until the next date to provide such as status update: May 5, 2025. (ECF No. 107). Given the imminent resolution of all of the claims in this case, the parties do not expect to require additional court intervention, but will immediately notify Judge Krause and Your Honor if anything changes.

\*\*\*

We thank the Court for its time and attention to this matter.

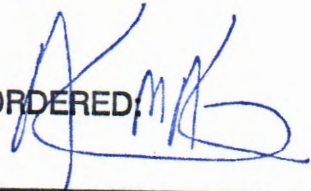
Respectfully,

/s/ Brian Farkas  
Brian Farkas, Esq.

*Cc (via ECF): All counsel of record.*

*Granted.*

SO ORDERED:

  
\_\_\_\_\_  
HON. KENNETH M. KARAS U.S.D.J.

*4/18/25*